

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 231, As Amended

BY WAYS AND MEANS COMMITTEE

AN ACT

RELATING TO HUNTING; AMENDING SECTION 36-1101, IDAHO CODE, TO PROHIBIT THE
USE OF AIRCRAFT TO LOCATE ANY BIG GAME ANIMAL FOR THE PURPOSE OF HUNTING
THOSE ANIMALS DURING THE SAME CALENDAR DAY THOSE ANIMALS WERE LOCATED
FROM THE AIR AND TO CLARIFY THAT CERTAIN PROVISIONS SHALL NOT LIMIT
OR PROHIBIT THE LAWFUL CONTROL OF WOLVES OR PREDATORY OR UNPROTECTED
WILDLIFE THROUGH THE USE OF AIRCRAFT UNDER CERTAIN CIRCUMSTANCES.

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. That Section 36-1101, Idaho Code, be, and the same is hereby
amended to read as follows:

36-1101. TAKING OF WILDLIFE UNLAWFUL EXCEPT BY STATUTE OR COMMISSION
RULE OR PROCLAMATION -- METHODS PROHIBITED -- EXCEPTIONS. (a) It is unlaw-
ful, except as may be otherwise provided by Idaho law, including this title
or commission rules or proclamations promulgated pursuant thereto, for any
person to take any of the game animals, birds or fur-bearing animals of this
state.

(b) Except as may be otherwise provided under this title or commission
rules or proclamations promulgated pursuant thereto, it is unlawful for any
person to:

1. Hunt from Motorized Vehicles. Hunt any of the game animals or game
birds of this state from or by the use of any motorized vehicle except
as provided by commission rule; provided however, that the commission
shall promulgate rules which shall allow a physically disabled person
to apply for a special permit which would allow the person to hunt from a
motorized vehicle which is not in motion. A physically disabled person
means a person who has lost the use of one (1) or both lower extremities
or both hands, or is unable to walk two hundred (200) feet or more unas-
sisted by another person, or is unable to walk two hundred (200) feet or
more without the aid of a walker, cane, crutches, braces, prosthetic de-
vice or a wheelchair, or is unable to walk two hundred (200) feet or more
without great difficulty or discomfort due to one (1) or more of the fol-
lowing impairments: neurological, orthopedic, respiratory, cardiac,
arthritic disorder, blindness, or the loss of function or absence of a
limb.

The commission shall specify the form of application for and design of
the special permit which shall allow a physically disabled person to hunt
from a motorized vehicle which is not in motion. No fee shall be charged
for the issuance of the special permit and the issuance of a special permit
shall not exempt a person from otherwise properly purchasing or obtaining
other necessary licenses, permits and tags in accordance with this title and
rules promulgated pursuant thereto. The special permit shall not be trans-
ferable and may only be used by the person to whom it is issued. A person who

1 has been issued a special permit which allows a physically disabled person
2 to hunt from a motorized vehicle not in motion shall have that permit promi-
3 nently displayed on any vehicle the person is utilizing to hunt from and the
4 person shall produce, on demand, the permit and other identification when so
5 requested by a conservation officer of the department of fish and game. A
6 person possessing a special permit shall not discharge any firearm from or
7 across a public highway. In addition to other penalties any unauthorized use
8 of the special permit shall be grounds for revocation of the permit.

9 2. Molest with Motorized Vehicles. Use any motorized vehicle to mo-
10 lest, stir up, rally or drive in any manner any of the game animals or
11 game birds of this state.

12 3. Communicate from Aircraft. Make use of aircraft in any manner to
13 spot or locate game animals, game birds or fur-bearing animals of this
14 state from the air and communicate the location or approximate location
15 thereof by any signals whatsoever, whether radio, visual or otherwise,
16 to any person then on the ground.

17 4. Hunt from Helicopter. Make use of any helicopter in any manner in
18 the taking of game or loading, transporting, or unloading hunters,
19 game or hunting gear in any manner except when such use is at recognized
20 airports or airplane landing fields, or at heliports which have been
21 previously established on private land or which have been established
22 by a department or agency of the federal, state or local government or
23 when said use is in the course of emergency or search and rescue oper-
24 ations. Provided however, that nothing in this chapter shall limit
25 or prohibit the lawful control of wolves or predatory or unprotected
26 animals through the use of helicopters when such measures are deemed
27 necessary by federal or state agencies in accordance with existing laws
28 or management plans.

29 5. Hunt with Aid of Aircraft. Make use of any aircraft to locate any
30 big game animal for the purpose of hunting those animals during the same
31 calendar day those animals were located from the air. Provided however,
32 that nothing in this chapter shall limit or prohibit the lawful control
33 of wolves or predatory or unprotected wildlife through the use of air-
34 craft when such measures are deemed necessary by federal or state agen-
35 cies in accordance with existing laws or management plans.

36 6. Artificial Light. Hunt any animal or bird except raccoon by the aid
37 of a spotlight, flashlight or artificial light of any kind. The act of
38 casting or throwing, after sunset, the beam or rays of any spotlight,
39 headlight or other artificial light capable of utilizing six (6) volts
40 or more of electrical power upon any field, forest or other place by any
41 person while having in his possession or under his control any uncased
42 firearm or contrivance capable of killing any animal or bird, shall
43 be prima facie evidence of hunting with an artificial light. Provided
44 nothing in this subsection shall apply where the headlights of a motor
45 vehicle, operated and proceeding in a normal manner on any highway or
46 roadway, cast a light upon animals or birds on or adjacent to such high-
47 way or roadway and there is no intent or attempt to locate such animals
48 or birds. Provided further, nothing in this subsection shall prevent
49 the hunting of unprotected or predatory wildlife with the aid of artifi-
50 cial light when such hunting is for the purpose of protecting property

or livestock, is done by landowners or persons authorized in writing by them to do so and is done on property they own, lease or control; and provided further that the hunting and taking of unprotected or predatory wildlife with the aid of artificial light on public lands is authorized after obtaining a permit to do so from the director. The director may, for good cause, refuse to issue such permit.

Other provisions of this subsection notwithstanding, the commission may establish rules allowing the hunting of raccoon with the aid of an artificial light.

67. Regulation of Dogs.

(A) No person shall make use of a dog for the purpose of pursuing, taking or killing any of the big game animals of this state except as otherwise provided by rules of the commission.

(B) Any person who is the owner of, or in possession of, or who harbors any dog found running at large and which is actively tracking, pursuing, harassing or attacking, or which injures or kills deer or any other big game animal within this state shall be guilty as provided in section 36-1401(a)1.(F), Idaho Code. It shall be no defense that such dog or dogs were pursuing said big game animals without the aid or direction of the owner, possessor, or harbinger.

(C) Any dog found running at large and which is actively tracking, pursuing, harassing, attacking or killing deer or any other big game animal may be destroyed without criminal or civil liability by the director, or any peace officer, or other persons authorized to enforce the Idaho fish and game laws.

78. Attempt to take Simulated Wildlife.

(A) Attempt to take, by firearm or any other contrivance capable of killing an animal or bird, simulated wildlife in violation of any of the provisions of this title or commission rules applicable to the taking of the wildlife being simulated, when the simulated wildlife is being used by a conservation officer or other person authorized to enforce Idaho fish and game laws or rules promulgated pursuant thereto. No person shall be found guilty of violating either this subparagraph, or subparagraph (B) of this paragraph, provided that no other law or rule has been violated.

(B) Any person pleading guilty to, convicted of or found guilty for attempting to take simulated wildlife within this state shall be guilty of a misdemeanor and shall be punished as provided in either subsection (b) or (d) of section 36-1402, Idaho Code, and shall pay restitution in an amount of no less than fifty dollars (\$50.00) for the repair or replacement of the simulated wildlife.

89. Devices Accessed via Internet.

(A) No person shall shoot at or kill any bird or animal in Idaho, wild or domestic, including domestic cervidae governed under the provisions of chapter 37, title 25, Idaho Code, with any gun or other device accessed and controlled via an internet connection. Accessing, regulating access to, or regulating the control of a device capable of being operated in violation of this paragraph shall be prima facie evidence of an offense under this paragraph.

1 (B) Any person pleading guilty to, convicted of or found guilty of
2 a violation of this paragraph shall be guilty of a misdemeanor and
3 shall be punished as provided in section 36-1402, Idaho Code.